

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, Claims 1-3, 5, 10-17, 27, 28, 30, and 32, in the reply filed on 19 March 2010 is acknowledged. The traversal is on the ground(s) that searching and examining all of the claims groups would not constitute a serious burden. This is not found persuasive because the appropriate search for the respective groups would not be coextensive. The claims in the elected group are classified in class/subclass 427/387. The claims in Group II are classified in class/subclass 428/447; those in Group III, in 528/10. The separate classifications are *prima facie* evidence that the appropriate search would not be coextensive.
2. The requirement is still deemed proper and is therefore made FINAL.
3. Claims 18-26 and 33-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 19 March 2010.

### ***Specification***

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### ***Arrangement of the Specification***

5. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Information Disclosure Statement***

6. On the returned PTO 1449 corresponding to the IDS filed on 8 January 2008, Foreign Patent Documents 1-7 have been crossed-out as not having been considered. Foreign Patent Documents 1-6 have been crossed-out because each of these documents has been indicated as having been considered on the returned PTO 1449 corresponding to the IDS filed on 30 January 2006. Foreign Patent Document 7 has been crossed-out because it is not in the English language and because no relevance has apparently been provided.

***Claim Objections***

7. Claim 3 is objected to because of the following informalities: Regarding Claim 3, line 2, the word "of" should be inserted in front of the word "less". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  9. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
10. Claims 1-3, 5, 10-17, 27, 28, 30, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
11. Regarding Claim 1, lines 1 and 2, it is unclear what is meant by the phrases "in particular" and "such as". It is unclear whether the claim method is limited to coating "sanitary articles" and/or specifically sanitary fittings.
12. Regarding Claim 2, it is unclear what is meant by the phrase "less than about 70° to 100°C." It is unclear what range is claimed? Does this include any temperature less than 100°C? An analogous rejection applies to Claim 3.
13. Regarding Claim 11, it is unclear what is meant by the phrase "at least one of stainless steel, aluminum, die cast zinc, and brass." Does this mean that the body comprises at least one of stainless steel, aluminum, die cast zinc, and brass or that the body comprises at least one selected from the group of stainless steel, aluminum, die cast zinc, and brass? Analogous rejections apply to Claims 12, 13, 16, and 30.

14. Regarding Claim 30, line 1, it is unclear what is meant by the phrase "Claim 9" as Claim 9 is no longer pending. It is unclear what claim dependency is intended.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 1-3, 5, 10-14, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. WO 02/31064. Jung teaches applying organosilane mixture of BTSE with another silane to a metal surface and curing to form a polysiloxane coating. See Jung et al. USPA 2004/0062873 (paragraphs 41, 47, 63, 68, 72, 105, 138-161, and 308-329) (translation of WO 02/31064). Jung does not exemplify using modified fluoroalkylsilane as the "another silane", but does suggest that modified fluoroalkylsilanes may be utilized. It would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate a modified fluoroalkyl silane for the utilized "another silane" since Jung teaches that mixtures using modified fluoroalkyl silane with BTSE will also provide effective protection. Curing was achieved at 80-100°C. Coating thickness was 80 nm. Since acid is present in the coating composition, it would be expected that hydrolysis intermediates would form colloidal particles in the coating composition. The silanes constitute about 1 weight percent of the solution. Stainless steel metal substrates are taught. Nickel metal substrates and metallic surface coatings containing nickel that are disposed on metal substrates are taught. Copper metal substrates which would have copper surfaces are suggested. Application of primer layers is suggested (paragraph 78). Jung teaches that these polysiloxane layers and metal surfaces may be used in combination with plastic layers, i.e., plastic body (paragraphs 76-79).

***Allowable Subject Matter***

18. Claims 15-17, 30, and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
19. Regarding Claims 15-17, 30, and 32, the reviewed prior art does not teach or suggest the claimed subject matter of these claims. Regarding Claims 15-17, the specifically claimed primer materials in the claimed context are not taught or suggested. Regarding Claim 30, the specifically claimed modified fluoroalkyl silanes are not taught or suggested in the claimed context. Regarding Claim 32,

the specifically claimed ABS plastic material is not taught or suggested in the claimed context.

***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL LAVILLA whose telephone number is (571)272-1539. The examiner can normally be reached on Monday through Friday.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil, can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael La Villa/  
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